

HOFMANN & SCHWEITZER

COUNSELLORS AT LAW AND PROCTORS IN ADMIRALTY
212 West 35th Street, 12th Floor
NEW YORK, NY 10001
Telephone: (212) 465-8840
Fax: (212) 465-8849
Fax: (844) 570-8674

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/17/2024

PAUL T. HOFMANN*
TIMOTHY F. SCHWEITZER*

NEW JERSEY OFFICE:
1130 ROUTE 202 SOUTH, SUITE A7
RARITAN, NJ 08869
(908) 393-5662

DARIO ANTHONY CHINIGO*
NICOLE VERA*†

E-M AIL: INFO@HOFMANNLAWFIRM.COM
WEB PAGE: WWW.HOFMANNLAWFIRM.COM

*Also Admitted in NJ
† Also Admitted in FL

Writer's Email:
paulhofmann@hofmannlawfirm.com

October 16, 2024

Via ECF

The Honorable Mary Kay Vyskocil, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2230
New York, New York 10007

Re: Babson et al., v. Bouchard Transportation Co. Inc., et. al. Case No.: 20-cv-02370 (MKV)
Bailey et al., v. Bouchard Transportation, Co., Inc, et al. Case No.: 20-cv-01207 (SDA)

Dear Judge Vyskocil:

Your Honor will recall that our office represents the 15 reminaing named plaintiffs in the above two matters involving claims asserted against defendants Bouchard Transportation Co. Inc., et al. ("Defendants").

We wrote to you on September 12 advising that the defendants, through the Texas Bankruptcy proceedings, had offered to settle the FLSA claims involved in the above-referenced actions, and that the clients had agreed to the settlement proposal. We had asked you informally to approve the settlement under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015)

On October 4, you issued an order directing me to file a formal motion to have the court review and approve the settlement as to the Babson matter. I am in the process of preparing that motion. You directed me to proceed separately before Magistrate Judge Aaron in the Bailey case. Essentially, the same motion I am preparing in the Babson matter will be filed in the Bailey case.

However, I respectfully request the court to give me an additional week, until October 11, to file the motion as directed. The reason for this is I was out of commission for several days in the previous week due to having a bout of Covid. Plus, last week I had to focus on and participate in several intense days of negotiations of cases in the *Matter of Energetic Tank* (1:18-Civ.-01359-LAP), where I represent 27 U.S. Navy sailors injured when the USS JOHN S MCCAIN collided with an oil tanker in the Singapore Straits. That case is before Honorable Loretta A. Preska.

HOFMANN & SCHWEITZER

-Page 2-

A number of other time consuming events also kept me from completing the proposed motion so I could share it with all relevant counsel for their comments before filing same, and a companion motion before Magistrate Judge Aaron in the Bailey matter.


I have now 'cleared the decks' so to speak, and am working on the motion for your Honor's review, but would be appreciative of an extra week to finalize it. Should the court wish to discuss this further with me, I will be available at the court's convenience.

I am copying Magistrate Judge Aaron on this request to alert him as to our anticipated course of proceedings. The settlement proposal involves jointly all 15 remaining plaintiffs in the two cases combined.¹ A copy of my letter to him is attached.

I thank you for the court's continued attention to this matter.

Respectfully yours,

HOFMANN & SCHWEITZER

By: 
Paul T. Hofmann

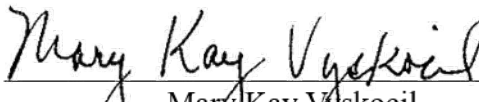
PTH/gh

enc.

c: Raymond G. McGuire, Esq.
Dominic Litz, Esq.
Hon. Stuart D. Aaron

Plaintiffs' request for a one-week extension is GRANTED. The October 4, 2024 order [ECF No. 93] required Plaintiffs to file any motion for settlement approval in Case No. 1:20-cv-02370-MKV by October 18, 2024. As such, the filing deadline is extended to October 25, 2024, not October 11, 2024. SO ORDERED.

Date: 10/17/2024
New York, New York


Mary Kay Vyskocil
United States District Judge

¹ Two of the original 17 plaintiffs discontinued their actions previously.